IN THE UNITED STATE BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	
Valerie J. Daniel,	**Bankr. Case No. 13-12392-RGM**
Debtor.	**Chapter 7**

MOTION OF UNITED STATES TRUSTEE REOPEN CASE AND DETERMINE THAT A TRUSTEE IS NECESSARY

Pursuant to Federal Rules of Bankruptcy Procedure 5010 and 11 U.S.C. §350(b), Judy A. Robbins, U.S. Trustee for Region Four hereby requests that this court enter an order reopening this case, and in support of this motion states as follows:

1. The Debtor, Valerie J. Daniel, commenced this proceeding by filing a petition for relief under Chapter 7 of the Bankruptcy Code on May 24, 2013. *Docket No. 1*

2. Schedule(s) and or Statement(s), Lists were filed on June 19, 2013. *Docket No. 17.*

3. Klinette H. Kindred ("the Trustee") was appointed trustee and conducted a meeting of creditors on June 26, 2013.[1]

4. On June 28, 2013 the Trustee filed a Report of No Distribution stating in part "…there is no property available for distribution from the estate over and above that exempted by law…" and asking that she be discharged from any further duties as trustee. *Docket No. 20.*

[1] On January 24, 2017 Klinette H. Kindred was appointed the second bankruptcy judge in the Alexandria Division of the U. S. Bankruptcy Court for the Eastern District of Virginia to fill the vacancy created by the retirement of the Honorable Robert G. Mayer on January 4, 2017.

6. The debtor received a discharge on January 13, 2014 [Docket No. 48] and the case was subsequently closed on April 16, 2014. *Docket No. 50*.

7. The United States Trustee has received notice from the Fairfax Circuit Court that the clerk is currently holding garnishment funds in the amount of $1,064.55 in Case #: CL-2013-0004408; Case Style: Surovell Isaacs Peterson & Levy vs. Valerie Daniel.[2] *See Exhibit 1*.

8. The Debtor did not list on *Schedule B – Personal Property* any garnishment and did not exempt a garnishment on *Schedule C – Property Claimed as Exempt*. *Docket No. 17 pages 4-7*.[3]

9. 11 U.S.C. § 350(b) provides that "a case may be reopened in the court in which such case was closed to administer assets…"

10. According to Rule 5010 of the Federal Rules of Bankruptcy Procedure, once a case is reopened a "trustee shall not be appointed by the United States Trustee unless the court determines that a trustee is necessary to protect the interests of creditors and the debtor or to insure efficient administration of the case."

11. The United States Trustee believes cause exists to reopen this case and that a chapter 7 trustee be appointed in order to determine if there are assets available to be administered to creditors or if the funds should be abandoned back to the Debtor.

WHEREFORE, The U. S. Trustee respectfully requests that the Court enter an Order reopening this case direct the appointment a trustee to determine if the funds should be administered to creditors or abandoned back to the Debtor.

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[2] The notice also sets a hearing for March 30, 2017 at 9:00 a.m. to give parties opportunity to show cause why these funds should not be presumed abandoned and escheated to the Commonwealth of Virginia pursuant to §55-210.9:1. The United States Trustee has contacted the Deputy Comptroller and informed her that we would be moving to reopen the case so that a trustee could determine if the garnished funds are an asset of the bankruptcy estate.
[3] The United States Trustee does not know if any homestead deed was filed by the Debtor.

Dated: March 28, 2017

/s/ Jack I. Frankel
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Certificate of Service

I hereby certify that a copy of the Motion to Reopen and proposed order were mailed postage prepaid on March 28, 2017, to the following parties:

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Debtor

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